



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,305	09/06/2005	Ryoji Hayashi	09867/0202189-US0	6456
7278 7590 04/15/2009 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER GEBREMICHAEL, BRUK A	
			ART UNIT 3715	PAPER NUMBER
			MAIL DATE 04/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,305

Applicant(s)

HAYASHI, RYOJI

Examiner

BRUK A. GEBREMICHAEL

Art Unit

3715

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following office action is a **Final Office Action** in response to communications received on 02/17/2009. Claims 4, 11, and 17-19 have been cancelled. Thus, claims 1- 3, 5-10, 12-16 and 20 are pending in this application.
2. Since no claim status has been changed in the communication received on 02/17/2009, the currently presented claims stand rejected as presented in the previous office action. Please refer to the previous office action for detail.

Response to Arguments.

3. Applicant's arguments filed on 01/17/2008 have been fully considered but they are not persuasive. In the remarks,
 - (1) Claim 1 requires that the movable machine discriminate based on two separate pieces of identification information, i.e., the first and second identification information. For example, the first piece of identification information could be an ID shared by both the transmitter and the moveable machine, and the second identification information can be any information that is characteristic of the movable machine. For the movable machine to operate, both the first identification information and the second identification information must be transmitted to the movable machine and verified.

However, Barton teaches only the first identification information of the present invention only; and thus does not disclose any additional information that is transmitted to the vehicle and used by the vehicle to determine whether remote control is allowed. . Further, Barton does not disclose "a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the second

identification information is allowed, on the basis of the received second identification information and the second identification information stored in the storage device," as required by claim 1.

- In response to argument (1), the Examiner respectfully disagrees. Barton does teach or suggest two types of identification information (first identification information and second identification information) that are sent to the movable machine in order to operate the movable vehicle.

The Examiner provides the following interpretation of the above claimed features with respect to the teaching of Barton.

- *First identification information:* According to Barton's disclosure, for example, the line "**A button 58 is provided in each of the pads 42a, 42b, 42c and 42d to select one of the vehicles 12, 14, 16 and 17.** . . . For example, **one (1) depression** of the button 58 may cause **the dump truck 12 to be selected** and **two (2) sequential selections of the button 58** within the particular period of time may cause **the fork lift 14 to be selected.**" (col.5, lines 53-65) clearly teaches or suggests Applicant's claimed feature the "first identification information". According to this teaching, when the player depresses the button on the pad (i.e. the controller) for a certain number of times, the pad generates a particular signal (i.e. the "first identification information") that identifies one particular vehicle only from the plurality of vehicles depending on the vehicle's identity. For example depressing the button *once* would identify the *dump truck* only, whereas depressing the button *two times sequentially* would identify the *fork lift*.

Therefore, it is very apparent from this simple analysis that Barton does teach or suggest the “first identification information” as recited in the above claims.

- *Second identification information:* Barton’s invention further teaches or suggests such “second identification information” for operating the vehicle. For example, the line **“Buttons 60a and 60b are also included on each of the pads 42a, 42b, 42c and 42d. When depressed,** the buttons 60a and 60b respectively close switches 62a and 62b in FIG. 2. The **closure of the switch 62a** is instrumental in **producing an operation of the motor 32 in a direction to lift the bin 18** in the **dump truck 12** *when the dump truck has been selected by the proper number of depressions of the button 58.* In like manner, *when the dump truck 12 has been selected by the proper number of depressions of the switch 58,* **the closure of the switch 62b causes the selective one of the bin 18 in the dump truck 12 move downwardly** as a result of the operation of the motor 32 in the reverse direction.” (col.6, lines 9-21), clearly teaches this “second identification information” that would operate the given vehicle once the vehicle has been identified. According to this teaching, the pad (i.e. the controller) incorporates additional buttons that are operated to generate a second signal (i.e. the “second identification information”) that would control the operation of the identified vehicle.

It appears that Applicant’s argument is based one of the control buttons (button 58) on the pad. However, as already indicated above, the pad has additional button (e.g. button 60a) that is operated to generate “the second identification information”.

Therefore, the Examiner concludes that Applicant's currently claimed features have already been taught or suggested by the prior art for the reasons discussed above.

Note that the above teaching of Barton also appears to be consistent with Applicant's disclosure. For instance, according to Applicant's specification, the "first identification information" is an ID number that associates a transmitter with a particular tank (see Page 14, lines 8-13 of Applicant's specification); and the "second identification information" is a characteristic information of the given tank such as maximum velocity and control laws (see page 17, lines 2-16 of Applicant's specification).

Barton further teaches or suggests "a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of the received second identification information and the second identification information stored in the storage device", as recited in the current claims. For example Barton teaches that the movable vehicles have plurality of switches that have a specific pattern of closure which allows a particular central station to control the vehicles (note that the pad is part of a given central station and therefore, allowing only a particular central station implies allowing only a particular pad in that central station).

For example the line, "The **vehicle 12 includes a plurality of switches** 128, 130 and 132. These **switches** are generally **pre-set** at the factory **to indicate a particular Arabian number** such as the number "5". However, **the number can be modified** by the user to indicate a different number **if two central stations are connected together**

as discussed above and if both stations have vehicles identified by the numeral "5".

The number can be modified by the user **by changing the pattern of closure of the switches** 128, 130 and 132. The pattern of closure of the switches 128, 130 and 132 controls the selection of an individual one of the vehicles such as the vehicles 12, 14, 16 and 17." (col.10, lines 19-30) clearly teaches or suggests that for example when there are two central stations, the player would change the pattern of closure of the switches on one of the given vehicles (assuming there are two vehicles having the same switch closure pattern) so that only one of the two station would be allowed by this vehicle.

Therefore, here also the Examiner concludes that Applicant's claimed features have already been taught or suggested by the prior art.

(2) Applicant argues that claim 10 requires the movable machine discriminate based on two separate pieces of identification information, i.e., the first and second identification information; and claim 13 requires a transmitter that uses two separate pieces of identification information, i.e., the first and second identification information, to control a movable machine. Therefore, claim 10 and 13 are allowable at least for the reasons discussed above with respect to claim 1.

- In response to argument (2), this argument appears to highlight the same issue that has already been addressed in the above response (response to argument (1)). Please refer to the above explanation for detail.

(3) Applicant argues that the second identification information is generated from the characteristic information of the movable machine stored on the recording medium. Thus, because the recording medium is independent of both the transmitter and the

movable machine, only a user who has the recording medium associated with a particular movable machine can control the movable machine. For example, a manufacturer could produce and sell recording medium that contains the characteristic information associated with a particular movable machine. According to the present invention, unauthorized users, i.e. persons who have not purchased the appropriate recording medium, would be prevented from using the system.

The combination of references cited by the Examiner fails to teach or suggest storing information specific to a particular movable machine on removable recording medium to thereby limit remote control of the movable machine to authorized users.

- In response to argument (3), the Examiner respectfully disagrees. As already indicated in the previous office action (and also in this FINAL office action), Barton does teach or suggest the claimed feature regarding "the remote control system comprises a recording medium having characteristic information associated with the movable machine recorded thereon, the characteristic information including second identification information specifying the movable machine". For instance, as already depicted on FIG 3 of Barton's invention, the transmitter comprises two types of memory units (ROM, *label 96* and RAM *label 98*).

Further, the disclosure teaches that the RAM stores information regarding the status of the switches 62a and 62b. For example, the line "The central station 64 then formulates in binary form a composite address identifying the pad 42a and the selected one of the vehicles 12, 14, 16 and 17 and **stores this composite address** in the **random access memory 98**. The central station 64 then provides a packet or

sequence of signals in binary form including the composite address and including the status of the opening and closing of each of the switches in the pad 42a. This **packet** or **sequence** indicates in binary form **the status of the closure each of the switches** 46, 48, 50 and 52 and the switches 57, 59, **62a, 62b**, 63a and 63b." (col.8, lines 30-40), clearly indicates that the transmitter indeed has a recording medium that stores the second identification information". Note that, the status of the switches 62a and 62b is related to the "second identification information" as already discussed above (see response to argument (1)).

Thus, Barton discloses all the claimed features except for "the recording medium existing independently of the transmitter and the movable machine".

However, Nishiyama teaches such a remote control of a game device that have a recording medium which exists independently of the transmitter and the movable machine (e.g. see FIG 4, labels 1 and 20 or 20a/20b). The prior art further teaches that a player removably inserts this cartridge (i.e. recording medium) into the portable game machine (i.e. controller) so that the portable game machine transmits the information data stored in this cartridge to the minicar (i.e. movable machine) e.g. see Nishiyama Para.0083.

Therefore, it would have been obvious it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to insert different game cartridges that have different

game programs so that the player uses the same system for multiple different types of games.

Regarding Applicant's argument that "a manufacturer could produce and sell recording medium that contains the characteristic information associated with a particular movable machine. . .", when the general condition of the claimed subject matter (i.e. providing a removable memory device for storing and transmitting data associated with a given movable minicar) is as taught by the prior art, specifying this already known feature for a particular purpose (e.g. restricting the data only to a particular movable minicar) requires only a routine skill in the art; and therefore this does not distinguish the current invention from the prior art.

Therefore, the Examiner concludes that Applicant's currently presented claimed features have already been taught or suggested by the prior art.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filled within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571)270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI XUAN can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bruk A Gebremichael/
Examiner, Art Unit 3715

/Cameron Saadat/
Primary Examiner, Art Unit 3715